THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos.

19063, 19135 & 19309 OF 2005

29-09-2005

Between:

APSRTC, Musheerabad, Hyderabad, rep. by its Managing Director.

..... PETITIONER

AND

The State Transport Appellate Tribunal, Nampally, Hyderabad,

Rep. by its Presiding Officer & Others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos.

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COMMON ORDER :

The A.P.S.R.T.C. filed this batch of writ petitions, challenging the orders passed by the State Transport Appellate Tribunal (for short

'the Tribunal') in various revisions preferred before it.

The facts in brief, are as under;

The Government of Andhra Pradesh approved various schemes in relation to Moffusil routes in the State. The schemes provide for monopoly in favour of the A.P.S.R.T.C. with certain exemptions. The grant of Town Service Permits are prohibited up to the overlapping stipulated in each of the schemes.

The Regional Transport Authority of Nellore granted Town Service Permits in favour of private individuals, which resulted in overlapping on the approved routes beyond the prohibited limits. Therefore, the Corporation filed revisions before the Tribunal.

By the time the revisions filed by the Corporation came up for hearing before the Tribunal, the judgment rendered by the Full Bench of this Court in *A.P.S.R.T.C v. State Transport Appellate Tribunal,* was holding the field. In that judgment, it was held that the scheme can prohibit grant of permits only in Moffusil routes in favour of private operators and that there cannot be any prohibition for grant of Town Service Permits. Following the same, the Tribunal dismissed all the revisions without going into the merits of the matter.

The petitioner contends that the judgment of the Full Bench of this Court has since been reversed by the Supreme Court in *A.P.S.R.T.C v. Regional Transport Authority & Another* and in that view of the matter, the orders passed by the Tribunal deserves to be set aside.

When these writ petitions came up for admission, this Court ordered notice to the respondents, particularly to respondent No.3 in all the cases, who are the operators that were granted the permits. The notices have since been served, but there is no response from them.

Heard learned counsel for the petitioners and learned Government Pleader for Transport.

A perusal of the orders, which are assailed in this batch of writ petitions discloses that the Tribunal dismissed the revisions filed by

the petitioners solely on the basis of judgment rendered by the Full Bench of this Court. To that extent, no exception can be taken to them. However, the judgment of the Full Bench came to be reversed by the Supreme Court, shortly thereafter. In that view of the matter, the entire issue needs to be considered on merits. The prohibition contained in the scheme as to the grant of Town Service Permits beyond the stipulated limits of overlapping, becomes operative. The Tribunal has now, to undertake verification as to whether the overlapping is beyond the prohibited limits or not.

For the foregoing reasons, the writ petitions are allowed and the orders assailed therein are set aside. The matters are remanded to the Tribunal for fresh disposal in accordance with law. Since the matter was already delayed, the Tribunal is directed to dispose of the revisions as early as possible, and not later than three months from the date of receipt of a copy of this order. No order as to costs.

29th SEPTEMBER, 2005

ajr